

REMARKS

In response to the Final Office Action mailed February 11, 2009 and the Advisory Action mailed on April 21, 2009, Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks and has cancelled claims. The claims as now presented are believed to be in allowable condition.

Claims 1-56 were pending in this Application. By this Amendment, claims 54-56 have been canceled. Claim 1 has been amended to include the content of cancelled dependent claims 54 and 55 and claim 20 has been amended to include the content of cancelled claim 56. Also, independent claim 37 has been amended to include the content of cancelled claim 56. The amendment of claims 1, 20, and 37 does not add new matter to the Application and does not raise new matters requiring further searching and consideration. Additionally by this amendment, claims 5, 6, 8-10, 22, 23, 25-27, 39, 40, and 42-44 have been cancelled. Cancellation of these claims should not be construed as an acquiescence to any of the rejections. Applicant expressly reserves the right to prosecute at least some of the cancelled claims and similar claims in one or more related Applications. Accordingly, claims 1-4, 7, 11-21, 24, 28-38, 41, and 45-53 are now pending in this Application. Claims 1, 20, and 37 are independent claims.

Allowed Claims

In the Final Office Action, claims 55 and 56 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 55 has been rewritten in independent form (i.e., independent claim 20 has been amended) to include the limitations of the base claim (i.e., claim 1)

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and the limitations of the intervening claims (i.e., claim 54). Accordingly, claim 1 as amended is in allowable condition. Because claims 2-4, 7, and 11-19 depend from and further limit claim 1, claims 2-4, 7, and 11-19 are in allowable condition for at least the same reasons.

Claim 56 has been rewritten in independent form (i.e., independent claim 1 has been amended) to include the limitations of the base claim (i.e., claim 20) and the limitations of any intervening claims. Accordingly, claim 20 as amended is in allowable condition. Because claims 21, 24, and 28-36 depend from and further limit claim 20, claims 21, 24, and 28-36 are in allowable condition for at least the same reasons.

Additionally, independent claim 37 has been amended to include the content of allowable claim 56. The amendment of claim 37 does not add new matter to the Application and does not raise new matters requiring further searching and consideration. Accordingly, claim 37 as amended is in allowable condition. Because claims 38, 41, and 45-53 depend from and further limit claim 37, claims 38, 41, and 45-53 are in allowable condition for at least the same reasons.

Claim Objections

In the Final Office Action, claims 54-56 were objected to for various informalities. The Final Office Action has asserted that in claim 54, line 3, the term “about” is not a positive limitation.

As indicated above, claims 54-56 have been cancelled with claim 1 having been amended to include the content of cancelled dependent claims 54 and 55 and claims 20 and 37 amended to include the content of cancelled claim 56. With the amendments to claims 1, 20, and 37, the term “about” has not been included. Accordingly, the objection should be withdrawn.

Examiner Interview Summary

On May 5, 2009, Applicant's representative, Jeffrey Duquette, conducted an Examiner Interview with Examiner Kan Yuen. We would like to thank Examiner Yuen for his time and consideration in the Interview. The Interview was conducted to discuss the recently issued Advisory Action in the matter and the Advisory Action's contention that the proposed amendments presented in the Reply to the Final Office Action filed on April 13, 2009 failed to place the Application in a condition for allowance.

In the Interview, Mr. Duquette and Examiner Yuen discussed the Advisory Action's assertion that "[t]he proposed amendment which amends claims 1 and 20, which now specifies: "detect a signal attenuation characteristic of the at least one of the plurality of transmission lines...", which has not been previously presented and now alters the scope of the claims. This new issue will require further searching and consideration." During the Interview, Mr. Duquette explained to Examiner Yuen that independent claim 1 had been amended with the content of allowable dependent claim 55, as well as intervening dependent claim 54, such that amended claim 1 did not contain new matter requiring further searching and consideration. Mr. Duquette also explained to Examiner Yuen that independent claim 20 had been amended with the content of allowable dependent claim 56 such that amended claim 20 did not contain new matter requiring further searching and consideration. Examiner Yuen agreed that based on the amendments, independent claims 1 and 20, at least, are in a condition for allowance.

Also in the Interview, Mr. Duquette and Examiner Yuen also discussed the Advisory Action's assertion that "[n]ewly proposed or amended claim(s) 37, 38, 41, and 45-53 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s)." During the interview, Mr. Duquette explained to Examiner Yuen that independent claim 37 had been

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amended to include the content of previously-examined claim 56 and that amendment of claim 37 with the content of claim 56 would not raise issues requiring further searching or consideration. Examiner Yuen agreed that the amendment of claim 37 with the content of claim 56 would not raise new issues requiring further searching or consideration and that based upon the amendments, independent claim 37, at least, is in a condition for allowance.

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Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Response, including an extension fee, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

/Jeffrey J. Duquette/

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Attorney Docket No.: 1004-217

Dated: May 7, 2009